

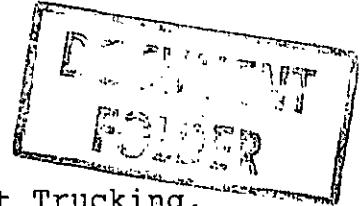
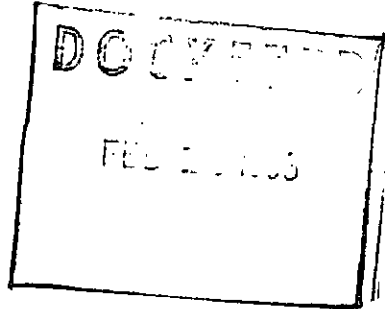


COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
February 13, 1986

IN REPLY PLEASE
REFER TO OUR FILE

A-00065936
F. 3, Am-A

To All Parties



Application of Norman M. Earhart, t/d/b/a Earhart Trucking,
for temporary authority.

To Whom It May Concern:

This is to advise you that a Tentative Decision
has been adopted by the Commission in public meeting held
February 6, 1986.

A Copy of a Tentative Decision has been enclosed
for your records.

Very truly yours,

Jerry Rich, Secretary

lg
Encls.
Cert. Mail

cc:applicant
R.D. #1
New Alexandria, Pa. 15670

Similar letter to: See attached list.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 6, 1986

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Norman M. Earhart, t/d/b/a
Earhart Trucking, for temporary authority
to transport coal for North Cambria Fuel,
Inc., from its mines and tipples in the
counties of Cambria, Jefferson, Indiana
and Clearfield, to other points in said

R.D. 1
New Alexandria, PA 15670

A-00065936
F. 3
Am-A

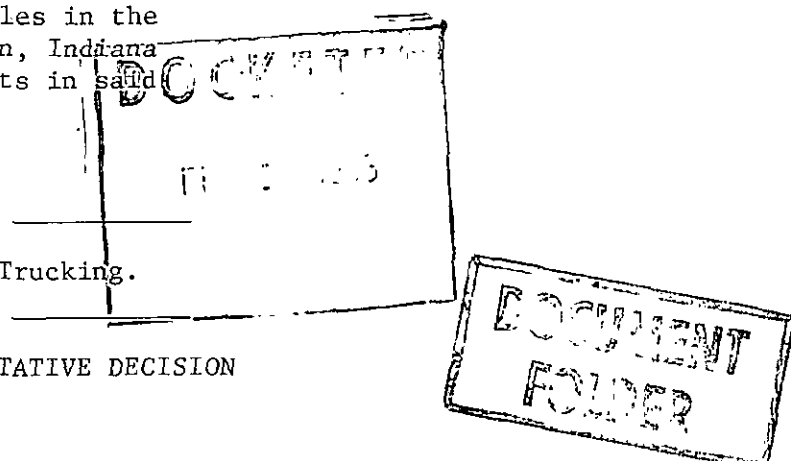
Arthur J. Diskin for Earhart Trucking.

TENTATIVE DECISION

BY THE COMMISSION:

This matter comes before the Commission on an application for temporary authority filed November 4, 1985. On the same date, an application for corresponding permanent authority was filed. Public notice of both the temporary authority application and the permanent authority application was given in the Pennsylvania Bulletin of November 30, 1985. Protests to the applications were filed by Thomas H. Loughry, Wayne W. Sell Corporation, Ritchey Trucking, Inc., C. L. Feather, Inc., and Bulk Transportation Services, Inc.

By our order adopted December 5, 1985, we denied the application for emergency temporary authority seeking the right here involved. In our decision on emergency temporary authority, we stated that the applicant had failed to establish an immediate need for the service which warranted a grant of emergency temporary authority. Our review of the Commission's operating authorities file indicated that there are currently authorized common carriers available to perform all or a portion of the required service. The record before us in the temporary authority proceeding strengthens this argument as we now have five protests of record.



It is our determination that the facts in this proceeding have not materially changed to indicate an immediate need for the service. We do not find the applicant has made a case which would warrant a grant of temporary authority over the objection of five currently certificated carriers; THEREFORE,

IT IS ORDERED: That the application for temporary authority be and is hereby denied.

IT IS FURTHER ORDERED: That unless exceptions are filed within twenty (20) days of the date the order is entered, the order shall become final.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a circular stamp or seal.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 6, 1986

ORDER ENTERED: FEB 13 1986

PS Form 3811, July 1983 447-945

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested. *A-65936, F3, AM-A*

1. Show to whom, date and address of delivery.

2. Restricted Delivery. *order*

3. Article Addressed to:
William J. Lavelle, Esq.
CA

4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	Article Number: <i>44659</i>
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Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X

6. Signature - Agent
X *M. Dhanraj*

7. Date of Delivery
2-18-86

8. Addressee's Address (*ONLY if requested and fee paid*)

DOMESTIC RETURN RECEIPT

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SENDER: Complete items 1, 2, 3 and 4.

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1. Show to whom, date and address of delivery.

2. Restricted Delivery. *order*

3. Article Addressed to:
Kent Pope, Esq.

4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	Article Number: <i>44660</i>
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5. Signature - Addressee
X

6. Signature - Agent
X *Ken Shrum*

7. Date of Delivery
2-18-86

8. Addressee's Address (*ONLY if requested and fee paid*)

DOMESTIC RETURN RECEIPT

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DOMESTIC RETURN RECEIPT

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1. Show to whom, date and address of delivery.
 2. Restricted Delivery. *order*

3. Article Addressed to:
Arthur J. Dickson, Esq.

4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	Article Number 44661
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Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
 X *M. Kachinski*

6. Signature - Agent
 X

7. Date of Delivery
FEB 18 1986

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, July 1983 447-945

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested. *A-65936-F.3 Am-A*

1. Show to whom, date and address of delivery.
 2. Restricted Delivery. *order*

3. Article Addressed to:
Thomas M. Mulroy, Esq.

4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD	Article Number 44658
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Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
 X

6. Signature - Agent
 X *Donna Lauro*

7. Date of Delivery
FEB 19 1986

8. Addressee's Address (ONLY if requested and fee paid)

Norman M. Earhart, t/a
Earhart Trucking
R. D. #1
New Alexandria, PA 15670
SELF

Arthur J. diskinn, Esquire
402 Law & Finance Building
Pittsburgh, PA 15219
APPLICANT

Kent Pope, Esquire
Ten Grant Street
Clarion, PA 16214
THOMAS H. LOUGHRY

William J. Lavelle, Esquire
2310 Grant Building
Pittsburgh, PA 15219
BULK TRANSPORTATION SERVICES

Thomas Mulroy, Esquire
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222
WAYNE W. SELL CORP. ET AL.